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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Susan Gellos, individually; Taryn Foster,
 individually,

Plaintiffs

vs.

City of Phoenix, a governmental agency;
 Christopher John Turiano and Jane Doe
 Turiano, husband and wife; William Gates
 and Jane Doe Gates, husband and wife;
 Richard Lee Brunton and Jane Doe
 Brunton, husband and wife; John and Jane
 Does 1-X; ABC Corporations I-X; XYZ
 Partnerships IX,

Defendants.

Case No.: CV-24-01529-PHX-GMS

**PLAINTIFFS' RESPONSE TO
 ORDER TO SHOW CAUSE**

(Assigned to the Honorable G. Murray
 Snow)

Through undersigned counsel and pursuant to the Court's Order to Show Cause filed July 2, 2024, ECF No. 6 (the "Order"), Plaintiffs Susan Gellos and Taryn Foster (collectively, "Plaintiffs") hereby respond to the Order and show cause why Defendant Richard Lee Brunton ("Defendant") should not be dismissed from this action.

Defendant was served with the Complaint on May 30, 2024. Phoenix Dfs.' Notice Filing Removal at 40, ECF No. 1. Certain Defendants removed this action to this Court on June 24, 2024. *Id.* at 1. Defendant had seven (7) days from the filing of the Notice of Removal to answer or otherwise respond to the Complaint, or no later than July 1, 2024.

1 Defendant failed to answer or otherwise respond. The very next day – July 2, 2024 – the
2 Court issued the Order.

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4 Plaintiffs did not immediately apply to default Defendant because, in the week since
5 Defendant’s deadline to answer expired, Plaintiffs’ counsel was in communication with
6 counsel for the employer that employed Defendant regarding whether or not said counsel
7 or otherwise would be representing Defendant. Said counsel requested permission to
8 extend Defendant’s answer deadline, but Plaintiffs’ counsel informed them Plaintiffs could
9 not agree to extend the answer deadline unless said counsel first noticed in for Defendant,
10 which to date has not occurred, and that Plaintiff would wait to file any default until the
11 week of July 8, 2024. As a consequence, Plaintiffs did not apply for the entry of default of
12 Defendant until July 9, 2024, one (1) day before their deadline to file this Response. *See*
13 Pls.’ Request Entry Default Richard Lee Brunton, ECF No. 7.

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16 Plaintiffs submit that, in light of all of the foregoing, more than sufficient good cause
17 exists not to dismiss Defendant from this action on grounds of lack of prosecution.

18
19 **RESPECTFULLY SUBMITTED** this 10th day of July 2024.

20 **MILLS + WOODS LAW, PLLC**

21
22 By /s/ Sean A. Woods
23 Robert T. Mills
24 Sean A. Woods
25 5055 North 12th Street, Suite 101
26 Phoenix, AZ 85014
27 *Attorneys for Plaintiffs*
28

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2024, I electronically transmitted the foregoing document to the Clerk's Office using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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/s/ Ben Dangerfield